

(O-2004-4)

ORDINANCE NUMBER O- 19202 (NEW SERIES)

ADOPTED ON JUL 28 2003

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING AND ADOPTING THE FIRST  
AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE  
BARRIO LOGAN REDEVELOPMENT PROJECT.

WHEREAS, the Council of The City of San Diego [the Council] on May 20, 1991, by Ordinance No. O-17644 (New Series) approved and adopted the Redevelopment Plan for the Barrio Logan Redevelopment Project [Project]; and

WHEREAS, the Redevelopment Agency of The City of San Diego [the Agency] has prepared and submitted to the Council for review and approval, a proposed First Amendment to the Redevelopment Plan for the Project [the First Amendment], a copy of which is on file in the office of the City Clerk as Document No. RR-298196, accompanied by a Report to Council on the proposed First Amendment to the Redevelopment Plan; and

WHEREAS, the Planning Commission of The City of San Diego has submitted its report and recommendation, finding the proposed First Amendment to the Redevelopment Plan to be in conformity with the City's General Plan and recommending approval and adoption of the proposed First Amendment; and

WHEREAS, the Project Area Committee for the Project has recommended approval and adoption of the proposed First Amendment; and

WHEREAS, the Agency and the Council have certified an Environmental Impact Secondary Study pertaining to the First Amendment pursuant to the Redevelopment Agency

Procedures for Implementation of the California Environmental Quality Act, the California Environmental Quality Act of 1970, and the adopted State and local regulations and guidelines, and adopted findings with respect to the environmental impacts of the First Amendment as required by law; and

WHEREAS, after due notice, a joint public hearing was held by the Council and the Agency on the proposed First Amendment; and

WHEREAS, at the joint public hearing, this Council heard and passed upon all oral and written objections by overruling such objections; and

WHEREAS, all actions required by law have been taken by all appropriate public agencies; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That the first paragraph of Section 3.3.1 of Section 3.3, Acquisition of Real Property, is amended to read as follows:

The Agency may acquire, but is not required to acquire, any real property located in the Project Area by gift, devise, exchange, lease, purchase, eminent domain or any other lawful method. However, the Agency shall not exercise the power of eminent domain to acquire any property for which proceedings in eminent domain have not commenced within twenty-four (24) years after the effective date of the ordinance approving and adopting this Plan, except by amendment of this Plan. In addition, the area south of Harbor Drive will be exempt from any eminent domain action.

Section 2. The purposes and intent of the Council with respect to the Project area were and are to:

A. To eliminate and prevent the spread of blight and deterioration, and to conserve, rehabilitate and redevelop the Project Area in accordance with the Plan and consistent with the Community Plan;

B. To reconstitute Barrio Logan as a viable, mixed-use community and encourage compatible land use patterns;

C. To encourage new and continuing investment of the private sector in the redevelopment of Barrio Logan by:

(1) Utilizing the proposed Mercado del Barrio Project as a catalyst that will facilitate additional improvements in the area; and

(2) Promoting the economic well-being of the retail/commercial mixed-use areas by encouraging the diversification of its commercial base and employment opportunities.

D. To develop a pedestrian and vehicular transportation network which minimizes and reduces existing circulation conflicts, coordinates with land uses and densities, and provides additional accessibility for transit-dependent population;

E. To resolve the problems associated with on- and off-street parking, truck and other vehicle traffic and to maintain an acceptable level of service on the arterials within the Project Area;

F. To encourage the development of a commercial environment which positively relates to adjacent land uses, and to upgrade and stabilize existing commercial uses;

G. To promote the development of local job opportunities, the preservation of the area's existing employment base and provide vocational training for residents of the community;

H. To create a balanced mix of new housing stock, including low- and moderate-income housing, and rehabilitate as many existing dwelling units as possible;

I. To provide a basis for the location and programming of public service facilities including, but not limited to: libraries, day-care, youth and family centers, cultural centers, parks and recreation facilities and education facilities, and to coordinate the phasing of public facilities with private development;

J. To encourage the preservation and the enhancement of the varied and distinctive character of the community, and to promote the development of the community's cultural and ethnic qualities;

K. To provide an environment that ensures the health, safety and well-being of the residents of the Barrio Logan community.

Section 3. That the Council finds and determines that:

A. The Project area was and is a blighted area, the redevelopment of which was and is necessary to effectuate the public purposes declared in the California Community Redevelopment Law;

B. The Redevelopment Plan, as amended, will redevelop the Project Area in conformity with the California Community Redevelopment Law in the interest of the public peace, health, safety, and welfare;

C. The adoption and carrying out of the Redevelopment Plan, as amended, is economically sound and feasible;

D. The Redevelopment Plan, as amended, conforms to the Progress Guide and General Plan of the City of San Diego, including, but not limited to, the City's Housing Element,

which substantially complies with the requirements of Article 10.6 (Commencing with Section 65580) of Chapter 3 of Division 1 of Title 7 of the Government Code;

E. The carrying out of the Redevelopment Plan, as amended, will promote the public peace, health, safety and welfare of the City of San Diego and will effectuate the purposes and policies of the California Community Redevelopment Law;

F. The condemnation of real property as provided for in the Redevelopment Plan, as amended, is necessary to the execution of the Redevelopment Plan, as amended, and adequate provisions have been made for payment for property to be acquired as provided by law;

G. In the event any families and persons residing within the Project area are displaced by redevelopment activities:

(1) The Agency has a feasible method and plan for the relocation of families and persons to be temporarily or permanently displaced from housing facilities in the Project area;

(2) There will be provided in the entire Project area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons displaced from the Project area, decent, safe, and sanitary dwellings equal in number to the number of and available to such displaced families and persons and reasonably accessible to their place of employment;

(3) Families and persons shall not be displaced prior to the adoption of a relocation plan pursuant to Sections 33411 and 33411.1 of the California Community Redevelopment Law, and dwelling units housing persons and families of low- or moderate-income shall not be removed or destroyed prior to the adoption of a

replacement housing plan pursuant to Sections 33334.5, 33413, and 33413.5 of the California Community Redevelopment Law.

H. Inclusion within the Project area of any lands, buildings, or improvements which are not detrimental to the public health, safety, or welfare is necessary for the effective redevelopment of the Project area; any such area included is necessary for effective redevelopment and is not included for the purpose of obtaining the allocation of tax increment revenues from such area pursuant to Section 33670 of the Community Redevelopment Law without other substantial justification for its inclusion;

I. The elimination of blight and the redevelopment of the Project area can not be reasonably expected to be accomplished by private enterprise acting alone without the aid and assistance of the Agency;

J. The Project Area is predominantly urbanized, as defined by subdivision (b) of Section 33320.1 of California Community Redevelopment Law;

K. The time limitations and the limitation on the number of dollars to be allocated to the Agency that are contained in the Plan are reasonably related to the proposed projects to be implemented in the Project Area and to the ability of the Agency to eliminate blight within the Project Area.

Section 4. This Council is satisfied that permanent housing facilities will be available within three years from the time occupants of the Project area are displaced and that, pending the development of such facilities, there will be available to such displaced occupants adequate temporary housing facilities at rents comparable to those in the City of San Diego at the time of their displacement.

Section 5. That all written and oral objections to the First Amendment to the Redevelopment Plan are overruled.

Section 6. That the First Amendment to the Redevelopment Plan for the Project having been reviewed and considered, is adopted and approved, and the City Clerk is directed to file a copy of the First Amendment to the Redevelopment Plan with the minutes of this meeting. The First Amendment to the Redevelopment Plan, a copy of which is on file in the office of the City Clerk as Document No. RR-298196, is incorporated and made a part of this ordinance by this reference.

Section 7. That Ordinance No. O-17644 (New Series) and the Redevelopment Plan adopted pursuant to that ordinance as amended by Ordinance No. O- 19202 (New Series) adopting the First Amendment to Redevelopment Plan is designated as the official Redevelopment Plan for the Project area.

Section 8. That Ordinance No. O-17644 (New Series) shall remain in full force and effect except to the extent it is changed by this amending ordinance.

Section 9. That the City Clerk is directed to send a certified copy of this ordinance to the Agency and the Agency is vested with the responsibility for carrying out the Redevelopment Plan, as amended, subject to the provisions of the Redevelopment Plan, as amended.

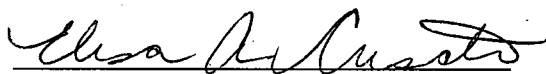
Section 10. That the City Clerk is directed to record with the County Recorder of San Diego County, a description of the land within the Project area and a statement that proceedings for the redevelopment of the Project area have been instituted under the California Community Redevelopment Law. The Agency is directed to effectuate recordation in compliance with the provisions of Section 27295 of the Government Code to the extent applicable.

Section 11. That the City Clerk is directed to transmit a copy of the description and statement recorded by the City pursuant to Section 11 of this ordinance, a copy of this ordinance, and a map or plat showing the boundaries of the Project area to the auditor and tax assessor of San Diego County, to the governing body of each of the taxing agencies which levies taxes upon any property in the Project area, and to the State Board of Equalization.

Section 12. That a full reading of the ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 13. That this ordinance shall be in full force and effect ninety days from and after its passage.

APPROVED: CASEY GWINN, City Attorney

By   
Elisa A. Cusato  
Deputy City Attorney

EAC:dm  
6/18/03  
Or.Dept:Redev.  
O-2004-4  
Form=amendp.fim